



United States Department of the Interior



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IN REPLY REFER TO
5400 (014)

DATE:
October 22, 2008

**DECISION RECORD
FOR
Upper Spencer Creek EA No. OR 014-03-03
PROJECT: Buck 23 Timber Sale**

INTRODUCTION

The effects of the Buck 23 Timber Sale are analyzed in the Upper Spencer Creek Environmental Assessment (EA), (EA #OR-014-03-03). The Upper Spencer Creek EA analyzed several proposed timber sales including Surveyor and Buck Again Timber Sales. The Buck Again Timber Sale has subsequently been split up into three separate sales, the Buck 13, Buck 15 and Buck 23 Timber Sales. A separate EA (EA #OR-014-07-02) and Decision Record have been completed for the Buck 13 Timber Sale. This Decision Record applies only to the Buck 23 Timber Sale as part of the proposed action in the Upper Spencer Creek EA. The Buck 23 Timber Sale is scheduled to be sold in November of 2008.

The Klamath Falls Resource Area (KFRA) interdisciplinary team designed and analyzed the impacts of the Upper Spencer Creek EA based on: (a) current resource conditions in the project area, (b) the results of monitoring the previous decade of timber harvest activities, and (c) meeting the objectives and direction of the KFRA Resource Management Plan (RMP). The proposals presented and evaluated in the Upper Spencer Creek EA reflect what the interdisciplinary team determined to be the best balance and integration of resource conditions, resource potentials, competing management objectives, expressed interests of the various publics that commented, and the concerns of surrounding communities.

DECISION

It is my decision to implement the Proposed Action in the Upper Spencer Creek EA as it relates to activities associated with the Buck 23 Timber Sale. As part of this action, the applicable Best Management Practices (BMPs) in Appendix D of the Klamath Falls Record of Decision and Resource Area Resource Management Plan (ROD/RMP) and the applicable BMPs and Project Design Features (PDFs) in Appendix B of the EA that apply to actions outlined below will be implemented. The approved action will result in the implementation of the Buck 23 Timber Sale within the analysis area. Specifically, this decision will result in commercial timber harvest in Sections 23, 26, 27 and 36 of Township 38 South, Range 5 East, Willamette Meridian. Approximately 3.06 million board feet of timber will be harvested from approximately 378 acres of matrix lands and 1 acre of riparian reserve.

The general Silvicultural prescription will consist of Density Management in Matrix lands including part of a District Designated Reserve Buffer (DDRB). The Klamath Falls Resource Area density management prescriptions are designed to meet the purpose and need of the EA, remove forest products, improve forest health, and reduce hazardous fuels and associated risk of high severity wildfires. They are also designed to reserve an array of stand stocking levels, tree sizes and forest structure and maintain and enhance the existing ecological functions of the stand including wildlife habitat. Management actions planned under this Decision Record include:

Management of Matrix Lands including DDRB matrix lands:

- approximately 366 acres of Density Management which includes approximately 40 acres of thinning of submerchantable (3 to 7 inch dbh) conifers
- approximately 12 acres of patch cuts

Riparian Reserve Vegetation Treatments:

- Approximately one acre of culturing around large Douglas-fir trees.

Road Treatments:

- Road improvement – none
- Renovation (grading, brushing, culvert cleaning) – approximately 5 miles
- Road closures (Blocking) – maintenance of two existing locked gates in section 23
- Roads Fully Decommissioned – none
- Road Construction – .09 miles (500 feet)
- Reduction of Open Roads – none

Fuels Treatments:

- yarding of all material designated for harvest/cutting
- lop and scatter of residual fuel concentrations in cutting units
- piling of residual fuel concentrations in cutting units and at landings
- chipping or other utilization of residual piles and cull decks if feasible
- burning of piled residual fuel concentrations and cull decks if not utilized

The use of prescribed fire for underburning, although not part of this Decision Record, is not precluded by this action. Prescribed fire treatments are included in the Upper Spencer Creek EA analysis and may be implemented in the Upper Spencer Creek EA analysis area under future federal land management actions.

Monitoring

The KFRA ROD/RMP (Appendix K) requires that at least twenty percent of the timber sales, silviculture projects, or other ground disturbing activities be monitored annually. The KFRA has issued an Annual Program Summary (APS) and Monitoring Report on a yearly basis since the signing of the Resource Management Plan in 1995. The Annual Program Summary documents the results of annual timber sale monitoring as well as on-going monitoring of other resources. The 2007 Annual Program Summary and Monitoring Report, Table 19-5 on page 34, lists all the sales that have been sold and those that have been monitored to date under the KFRA Resource Management Plan. Monitoring related to timber harvesting has included determining soil effects, stand attribute changes (basal area, trees per acre, species composition, structure, etc.), numbers and spacing of skid trails, coarse woody debris and snag requirement compliance, establishment and adherence to riparian reserve buffers, threatened and endangered species buffers, cultural resources

buffers, and seasonal use restrictions. The Buck 23 Timber Sale may have some or all of these attributes monitored.

Surveys

Surveys for Wildlife, Cultural and Botanical resources have been completed:

- Special Status Species surveys for terrestrial wildlife (spotted owl, great gray owl, mollusks and northern goshawk) were completed for the Buck 23 Timber Sale. One new spotted owl territory was located in 2007 and the territory was again occupied in 2008. Northern goshawk surveys were conducted in the project area. No northern goshawks were detected. No other special status wildlife species were located during these surveys.
- Special Status Species surveys were conducted in the analysis area for botanical resources in August of 1990, September and October of 1991, April of 1996 and July and August of 2003. No Special Status botanical species were located during these surveys. No protection buffer fungi species are known to occur within the project area.
- Required cultural resource surveys are completed. The project area was covered by two previous cultural surveys. One was conducted in 1991 and the other in 1996 (OR014-CRR-FY91-006 and OR104-CRR-FY96-010). No cultural resources were located during the surveys. It should be noted that these cultural surveys used only surface survey methods, thus buried materials may become exposed during project activities. If new cultural materials are encountered during project activities, then all work shall stop and the Klamath Falls Resource Area Manager will be notified immediately for a decision on how and when to proceed.

Mitigation

The applicable Project Design Features (PDFs) and Best Management Practices (BMPs) described in Appendix B of the Upper Spencer Creek EA and the BMPs in Appendix D of the KFRA ROD/RMP that pertain to timber harvesting and the affected resources will be implemented. No additional mitigation measures were deemed necessary. Some applicable BMPs and PDFs are listed below:

Timber Harvesting:

- For uneven-aged stands, maintain a multi-strata stand structure.
- Thin around large old growth trees to improve vigor and reduce hazardous fuels risk.
- Generally retain the most dominant or co-dominant tree that is full crowned, vigorous, and disease free.
- Species retention selection priority: Sugar pine (highest), ponderosa pine, Douglas-fir, incense cedar, white fir (lowest).
- Retain (no thinning) isolated thermal clumps to provide variability in spacing and structure.

Hydrology & Riparian Reserve Treatments:

- Delineate Riparian Reserve widths as described in the RMP (pg F-8, ROD pgs C-30 to 31).
- Existing landings and roads within Riparian Reserves would be used only if replacing them with landings and roads outside the Riparian Reserves would result in greater overall disturbance to the Riparian Reserve or water quality.
- Avoid placement of skid trails and landings in areas with potential to collect and divert surface runoff such as the bottom of draws and ephemeral drainages.
- Use harvest/treatments methods that would disturb the least amount of soil and vegetation (yarding over snow or frozen ground, limiting activities to the dry season, pulling line to each tree, and minimizing skid trails) would be used in the Riparian Reserves.

- Thin to a higher basal area (100-160 square feet per acre), favoring larger trees for shading and removing competing conifers around dominant pines.
- Consider retaining some downed logs for instream structural enhancement projects.
- No new permanent roads will be constructed within Riparian Reserves (except where construction or re-alignment of short road segments allows obliteration of longer road segments within Riparian Reserves).
- Use of existing roads and landings within Riparian Reserves will be reviewed and approved by the Klamath Falls Resource Area interdisciplinary team.
- All nine objectives of the Aquatic Conservation Strategy (ACS) will be met with implementation of the applicable PDFs and BMPs.
- Hand treatments would be recommended within the no-mechanical-entry zones in order to meet fuel management objectives.
- Ignition of broadcast fires should not occur within a minimum of 50 feet from the stream channel within the Riparian Reserves. The specific distance for lighting fires within the RR will depend on topography, habitat, ignition methods, and fuel moisture.

Noxious Weeds:

- Require cleaning of all equipment and vehicles prior to moving on-site to prevent spread of noxious weeds.
- If the job site includes a noxious weed infestation, require cleaning of all logging and construction equipment and vehicles prior to leaving the job site. Removal of all dirt, grease, and plant parts that may carry noxious weed seeds or vegetative parts could be accomplished by using a pressure hose to clean the equipment.

Roads:

- The applicable BMPs listed in Appendix D of the RMP provide standard management practices that are to be implemented.
- Seasonally restricting renovation activities is recommended to eliminate sediment transportation to streams.
- Installing drainage dips in accordance with RMP BMPs to reduce surface and ditchline run-off is recommended.
- Direction from the RMP ROD for Key Watersheds includes reducing road mileage and a no net increase in road mileage.
- Minimal or no grading of the existing roads will be done to maintain the existing ground cover and vegetation and to decrease sediment movement.
- Re-decommission roads that have been decommissioned but are opened for commercial treatments, non-commercial treatments, or prescribed fire use.
- When obliterating or fully decommissioning roads, remove road drainage features and fill in ditches, place slash and woody material on the road surface subsequent to ripping, and ensure that the road closure is adequate to ensure that vehicle access is eliminated.
- When obliterating or fully decommissioning roads within Riparian Reserves, plant native trees subsequent to road removal.

Soil Resources:

- Limit detrimental soil conditions to less than 20 percent of the total acreage within the activity area. Use current soil quality indicators to monitor soil impacts.
- Limit mechanical cutting and yarding operations to periods when the soil moisture is below 20 percent at a six inch depth.

- To protect riparian areas, soil resources, and water quality while limiting erosion and sedimentation to nearby streams and drainages, do not allow logging operations during the wet season (October 15 to May 1).
- Permit logging activities during this time period if frozen ground or sufficient snow is present. This is normally when snow depths are in excess of twenty (20) inches in depth.
- To protect soil resources and water quality, close unsurfaced roads during the wet season (October 30 to June 1) unless waived by authorized personnel.
- Hand pile and burn within 100 feet of Riparian Reserves.

Wildlife Protection:

- Northern Spotted Owl - The Variable Density Management silvicultural prescription and implementation of patch cuts and thermal clumps in the Buck 23 Timber Sale area will retain variable stocking levels ranging from approximately 60 to over 200 square feet of basal area (BA) per acre. The density management prescription is designed to maintain northern spotted owl habitat in addition to reducing hazardous fuel conditions that are contributing to loss of habitat due to wildfires.
- Approximately one hundred and twenty (120) linear feet of down logs per acre will be retained. Logs shall be greater than or equal to sixteen (16) inches in diameter and sixteen (16) feet long (RMP/ROD, Page 22).
- Seasonal Restrictions for the Northern Spotted Owls will be applied to reduce disturbance to nesting spotted owls. Seasonal Restrictions will occur from March 1st – September 30th within 1/4-mile of an active nest site. One spotted owl territory has been documented in the project area.
- Special Status and Threatened and Endangered Species – The management actions/directions as described on pages 38 & 39 of the RMP will be applied.

Resources Not Present

The following resources are not present within the proposed Buck 23 Timber Sale Area: prime and unique farmlands, mining claims, paleontological resources, hazardous materials, roadless areas, wilderness areas, and wilderness study areas.

Environmental Consequences

Implementation of the proposed action is consistent with the effects analyzed for the Upper Spencer Creek EA and the KFRA RMP EIS. The PDFs and BMPs from the Upper Spencer Creek EA and the BMPs from the KFRA ROD/RMP will minimize the effects to the affected resources and result in no effects that are greater than those described in the EA and the KFRA RMP EIS.

RATIONALE FOR SELECTION OF PROPOSED ACTION

The decision to implement the Proposed Action is based on the following rationale:

The Proposed Action meets the Purpose and Need for Action identified in the Upper Spencer Creek EA (page 6) and furthers the intent established in the RMP to harvest timber and protect other resource values.

Alternative 2, the No Action Alternative (EA pages 9-11) is rejected because it does not meet the resource management objectives for the Matrix Land Use Allocation as identified in the Klamath Falls RMP and the Northwest Forest Plan (NWFP) (*Record of Decision for Amendments to Forest*

Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, 1994). Beneficial economic opportunities from timber harvesting would be foregone and no thinning or fuel reduction benefits would be realized.

Alternative 3, the Fuels and Restoration Treatments Only Alternative, which consists primarily of treatment with prescribed fire and hand or mechanical treatment of submerchantable size trees, would accomplish some thinning and fuels reduction. However, the thinning with fire could be poorly controlled and would likely cause significant mortality to smaller diameter (6" to 16" DBH) white fir stands. Additional mortality of some larger pines would likely occur where existing fuel accumulations and litter depths are excessive. In addition, no trees would be harvested and no timber would be provided to support local economies as required in the KFRA/RMP. Therefore, the Fuels and Restoration Treatments Only Alternative was rejected.

Another alternative considered but not analyzed in detail was the Salvage Only Alternative (EA page 9). This alternative was rejected because it would not meet one or more parts of the Purpose and Need for Action section of the EA. The Salvage Only Alternative would not address the need to reduce the density of overstocked forested areas to improve forest health, stand resiliency, and growth. The Salvage Only Alternative would also not contribute to reducing fuel loads to reduce the potential for severe wildfires and would contribute only minimally to the maintenance of a stable timber supply as required in the KFRA/RMP.

Other Considerations - Within the Timber Sale Contract Area of the Buck 23 Timber Sale, significant road restoration treatments have already occurred under a previous Upper Spencer Creek EA Decision. The Upper Spencer Creek Watershed Restoration Treatments Project was implemented in the summer of 2005 and the following restoration activities related to roads in the Buck 23 Timber Sale area were implemented:

- .45 miles of road obliteration/full decommissioning
- reforestation of obliterated roads
- .25 miles of road improvements
- .32 miles of reconstruction (to move roads out of riparian reserves)
- removal of 1 culvert
- removal of one drainage crossing

CONSULTATION AND COORDINATION

Consultation with U.S. Fish and Wildlife Service (FWS) as required under Section 7 of the Endangered Species Act (as amended) was completed in June of 2003 (Upper Spencer Creek Projects 1-10-03-F-141) for the proposed actions described in the EA including several timber sales. One timber sale (Surveyor Mountain) was completed under this consultation. This Biological Opinion expired in January of 2008 before implementation of the Buck Again Timber Sale. The Buck Again Sale was subsequently split into three separate timber sales including Buck 13, 15 and 23. A new consultation was initiated for the Buck Again Sale Area, including the Buck 23 Timber Sale. A Biological Assessment dated August 28, 2007 addressed the Buck Again timber sales as proposed in the Upper Spencer Creek and draft Buck 13 timber sale environmental assessments. For the Buck Again Sale Area (Buck 13, 15 and 23) a determination of "May Affect, Likely to Adversely to Affect" was made for the Northern Spotted Owl and Northern Spotted Owl Designated Critical Habitat. A "No Effect" determination was made for all other listed species. A Biological Opinion (1-10-08-F-07/0082) dated November 2, 2007 was issued by the FWS that

concurred with the BLM determination. The FWS determined that the implementation of the Buck 13, 15 and 23 timber sales would not jeopardize the existence of the Northern Spotted Owl and would not Destroy or Adversely Modify Critical Habitat. Incidental Take for these three timber sales was authorized by the FWS for up to three pair of Northern Spotted Owls. Incidental take for the Buck 23 Timber Sale was authorized by the FWS for up to two pair of Northern Spotted Owls. However surveys indicate that only one pair of owls would be impacted by the Buck 23 Timber Sale.

As of Sept 12, 2008, the project area is no longer classified as Designated Critical Habitat for the Northern Spotted Owl. The U.S. Fish and Wildlife Service revised the boundaries of Designated Critical Habitat (USDI FWS 2008) and the project area is no longer within those boundaries.

Tribal Consultation was not necessary since no cultural resources are known within the timber sale.

PUBLIC INVOLVEMENT

The KFRA requested public comments on the Upper Spencer Creek EA in a scoping letter dated April 3, 2001. The scoping letter was mailed to approximately 130 individuals and groups on the KFRA EA mailing list. That letter explained the project proposal and asked the general public for comments. The resource area received two responses. One respondent specifically addressed some treatments within Late-Successional Reserve, Riparian Reserve and Matrix land allocations. Another respondent did not address any of the specifics, but wished to be notified of future NEPA scoping documents.

On April 4, 2003, a notice of availability for the Upper Spencer Creek EA was mailed to the KFRA EA mailing list. The notice requested review and comments on the Upper Spencer Creek EA. On April 4, 2004 a notice of availability for the Upper Spencer Creek EA was published in the Herald and News (Klamath Falls, Oregon Newspaper). One comment letter was received during the formal thirty (30) day public EA comment period.

Following are responses to relevant issues raised in the initial public scoping and during the EA comment period.

Roads

Comments: *No timber harvest or road activity should take place in uninventoried roadless areas.*

Response: None of the timber harvest activities, including road work, planned under the Upper Spencer Creek EA and the Buck 23 timber Sale will occur in uninventoried roadless areas (see attached Buck 23 Exhibit A Map). Sections 23, 26, 27 and 36 have existing road access to all portions of the contract areas.

Comments: *Adverse impacts from roads to streams, aquatic resources, imperiled salmonids, soils, wildlife, hydrology, vegetation, noxious weeds, tree growth, and increased spreading of diseases should be addressed. Soil erosion and compaction from roads causes long-term loss of soil productivity. Roads cause long term negative impacts on a variety of aquatic biota, including imperiled salmonids.*

Response: The Upper Spencer Creek EA is tiered to the KFRA ROD/RMP which addresses and analyzes in detail, road use, construction, specifications and associated impacts (pages 71-73 and Appendix D, D13-D21). In addition, the EA addresses road-related environmental effects to the

above resources (pages 15-17 and 21 and 25). Page 43 (Table 24.1) of the 2007 Klamath Falls Resource Area Annual Program and Monitoring Report summarizes the road and transportation management progress in the KFRA since 1995 when the RMP was signed. There has been a net decrease in permanent existing roads and open roads in the KFRA since 1995 resulting in beneficial effects to wildlife and hydrological resources. Fewer roads and fewer open roads generally results in decreased potential for sediment to be delivered to streams, decreased potential for water quality to be degraded and decreased potential for wildlife to be disturbed. Another Decision Record under the Upper Spencer Creek EA, The Upper Spencer Creek Watershed Restoration Treatments, was implemented during the summer of 2005. That project included the following road work in the contract area of the Buck 23 Timber Sale:

- .45 miles of road obliteration/full decommissioning
- .25 miles of road improvements
- .32 miles of reconstruction (to move roads out of riparian reserves)
- removal of one culvert
- removal of one drainage crossing

The Buck 23 Timber Sale includes new construction of approximately .09 miles (500 feet) of permanent road needed in order to complete the closure and/or full decommissioning of approximately .45 miles of existing roads (in the Buck 23 contract area) under the Upper Spencer Watershed Treatments project. The roads were decommissioned and/or relocated in order to reduce overall road densities and road impacts to riparian reserves. The .09 miles of new construction is needed to access roads that were moved out of riparian reserves and to straighten corners and junctions of existing roads.

Riparian Reserves/Water Quality

Comments: *The analysis fails to disclose aquatic effects of log hauling, yarding across streams and logging in riparian reserves.*

Response: All riparian reserves in the Buck 23 Timber Sale area buffer impacts to streams as described in the Best Management Practices and Project Design Features (see Appendix B of The Upper Spencer Creek EA). Approximately one acre of riparian reserve will be treated to remove white fir trees directly competing with large overstory Douglas-fir trees. Logs removed from the riparian reserve will be pulled out with cables. No tracked or wheeled equipment will be allowed to operate within the riparian reserves. Log hauling and road use are discussed in the KFRA ROD/RMP which addresses and analyzes in detail, road use, construction, specifications and associated impacts (pages 71-73 and Appendix D, D13-D21). In addition, the EA addresses road-related environmental effects to the above resources (pages 15-17 and 21 and 25). No yarding across streams is planned under the Buck 23 timber sale.

Hydrology/ACS Compliance

Comments: *The proposed action is contrary to the requirements of Aquatic Conservation Strategy. The cumulative impacts section is inadequate. Cumulative watershed impacts will cause peak flows and retard attainment of aquatic objectives in violation of the Northwest Forest Plan Aquatic Conservation Strategy.*

Response: Pages 24-27 of the EA discusses the hydrologic and water quality effects of the proposed action. Based on soils, topography, elevation, and the relative position in the watershed where actions will occur, the EA concludes that the combination of harvest activities and watershed restoration actions will result in “maintaining and restoring hydrologic conditions in the watershed.” The project is not located in the transient snow zone and therefore, is not susceptible to rain on snow events that could exacerbate peak flow impacts. Further, road related work will

“...reduce road-related runoff and peak flows, and help attain ACS objectives...” and “In the long-term, reduced road mileage within Riparian Reserves would make it possible to restore canopy closure, stream shading, recruitment of large woody debris (LWD), habitat connectivity, and stream channel geomorphology” (EA page 23). This conclusion is supported by the analysis contained in Appendix C pages 2-16, which demonstrates that hydrologic recovery of previously logged areas in the watershed are occurring at similar or higher rates than harvest proposed under this Environmental Analysis. Road work completed in 2005 includes the relocation of roads out of riparian reserves and a net reduction of .45 miles specifically in section 23 where much of the harvest under this Decision Record will occur (see Roads section of this Decision Record page 6).

For these reasons, the Proposed Action is consistent with the objectives for Riparian Reserves and the Aquatic Conservation Strategy (ACS) in the KFRA RMP and would not prevent or retard attainment of any of the ACS objectives in the long term (RMP, pages 7-8). More specifically:

- 1.) The proposed project would maintain and restore the distribution, diversity and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted.
- 2.) The proposed project would maintain and restore spatial and temporal connectivity within and between watersheds. Lateral, longitudinal and drainage network connections include floodplains, wetlands, upslope areas, headwater tributaries and intact refugia. These network connections must provide chemically and physically unobstructed routes to areas critical for fulfilling life history requirements of aquatic and riparian-dependent species.
- 3.) The proposed project would maintain and restore the physical integrity of the aquatic system, including shorelines, banks and bottom configurations.
- 4.) The proposed project would maintain and restore water quality necessary to support healthy riparian, aquatic and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical and chemical integrity of the system and benefits survival, growth, reproduction and migration of individuals composing aquatic and riparian communities.
- 5.) The proposed project would maintain and restore the sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate and character of sediment input, storage and transport.
- 6.) The proposed project would maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic and wetland habitats and to retain patterns of sediment, nutrient and wood routing. The timing, magnitude, duration and spatial distribution of peak, high and low flows must be protected.
- 7.) The proposed project would maintain and restore the timing, variability and duration of floodplain inundation and water table elevation in meadows and wetlands.
- 8.) The proposed project would maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.
- 9.) The proposed project would maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.

Vegetation

Comment: *Do not harvest large overstory trees.*

Response: The KFRA ROD/RMP (page E-3) specifies that "...trees in all size classes are eligible for thinning in order to reduce stocking to site capacity." The KFRA monitors stand structure and forest conditions on an annual basis (see 2006 Annual Program Summary and Monitoring Report pages 84 to 89 and 2007 APS pages 75 to 119). The general Density Management prescriptions implemented on the KFRA are designed to harvest mostly smaller and mid diameter trees while protecting and maintaining most of the larger trees. According to marking and pre-cruise data, the bulk (approximately 80%) of the trees designated for harvest under the Buck 23 Timber Sale, are 22 inches DBH and smaller. The average diameter of the timber stands within the Buck 23 Timber Sale will increase following harvest. While retaining all large trees may be desirable to some of the public, there is no basis for a tree diameter limit for this project. Stand diversity has been maintained in similar previous projects as verified by monitoring (refer to Annual Program Summaries). Wildlife habitat and stand diversity is expected to be retained with this project as well. Therefore, the KFRA sees no need to modify its prescription to limit harvesting to certain diameters when current prescriptions are meeting the multiple RMP objectives for Matrix lands and the purpose and need of the EA.

Comment: *Retain all large snags for wildlife and soil and watershed benefits.*

Response: No existing snags were designated for harvest during sale preparation. Only existing snags that present a hazard to logging operations or public use will be designated to cut in the Buck 23 Timber Sale during the administration of the timber sale contract. These include snags immediately adjacent to landings and main public roads. Any other snags that are designated for cutting are trees that were marked to cut when they were alive and have subsequently died. In addition, no snags are designated for harvest/removal in the riparian reserves. Further, as described in the EA (Appendix B, 5.1), a minimum of 2.5 snags per acre would be retained (where available) to meet the 60% optimum cavity nesting habitat in project areas and to meet snag requirements from the 2001 Record of Decision and Standard and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines (2001 ROD) for white headed woodpeckers, black backed woodpeckers, pygmy nuthatches and flammulated owls (pages 33-34 2001 ROD). Finally, because Buck 23 is primarily a density management harvest where approximately 25% the trees (by basal area) are removed, mostly from the smaller diameter classes, there is expected to be sufficient recruitment trees available to meet future snag and down woody debris requirements, therefore negating the need to retain all large snags.

Comment: *The BLM states without analysis that the proposed project would not violate the Northwest Forest Plan requirements to maintain at least 15% of the watershed in a late successional condition.*

Response: The NWFP standard states that 15% of the federal lands in a fifth field watershed must remain in late successional habitat. The standard is to not reduce the Late Successional Habitat below this threshold on federal lands. The Buck 23 Timber Sale will not reduce the amount of Late Successional Habitat in the fifth field watershed below that level. On page 14, the Upper Spencer Creek EA states that approximately 35% of the watershed is considered late successional habitat. All 35% of the late successional habitat is contained in federally reserved land allocations. None of the federal reserves are available for timber harvest. Therefore, the 15% threshold cannot be reached under the Buck 23 Timber Sale or cumulatively except in the case of a catastrophic event such as a stand replacing wildfire. In addition, the uneven-aged/density management silvicultural prescriptions adopted in the Klamath Falls Resource Area RMP are designed to maintain the structural and functional late-successional characteristics in those stands proposed for treatment.

Therefore, the proposed treatments are expected to result in minor reductions of late-successional habitat within the Buck 23 analysis area and no significant impacts are expected beyond those analyzed in the RMP

Comment: *Thinning should be done at variable densities and carefully.*

Response: The KFRA implements silvicultural prescriptions that result in variable stand densities. A typical density management unit may contain a patch cut, stands with residual densities of 60 to 200 square feet of basal area per acre and thermal clumps where no harvest is implemented. The residual density of the Buck 23 Timber Sale in Density Management areas is expected to vary from a basal area of 60 to 200 square feet per acre to untreated thermal clumps and reserve areas to patch cuts where 5 to 10 of the largest green trees are retained. The 2007 Annual Program Summary and Monitoring Report (page 86) shows a summary of a similar timber sale's post treatment attributes that includes canopy closure, basal area, trees per acre, tree sizes, fuel loading, coarse woody debris data, and snag data. The summary shows stand data indicating that the residual stand contains a considerable amount of variation thereby validating that Density Management results in retention of variable stand densities.

Comment: *Significant impacts to native flora from excessive ground-based logging.*

Response: The applicable Best Management Practices (BMPs) described in Appendix D of the KFRA RMP and the applicable Project Design Features (PDFs) detailed in the Upper Spencer Creek EA will minimize impacts to native flora. Winter logging on snow, although not required in this EA, will be allowed. If implemented, winter logging would further mitigate impacts from ground based logging operations by reducing damage to existing vegetation and limiting soil disturbance.

Comment: *Surveys for survey and manage species should be done before the project is designed.*

Response: Surveys for special status species (including those formerly classified as Survey and Manage under the 2001 ROD) were completed for the Buck 23 timber sale area. Surveys were completed for the northern spotted owl, northern goshawk, terrestrial mollusks and the great gray owl. One new spotted owl territory was discovered within the timber sale area during the survey effort. No other special status species were located during these surveys.

Comment: *Ground-based logging should be reconsidered because it will cause significant adverse impacts including invasive weeds.*

Response: The applicable Best Management Practices (BMPs) described in Appendix D of the KFRA RMP and the applicable Project Design Features (PDFs) detailed in the 2003 Upper Spencer Creek EA will reduce the spread of noxious weeds.

NEPA

Comments: *The FONSI was signed before the BLM solicited or considered public comment.*

Response: The KFRA mailed approximately 130 EA public scoping letters on April 3, 2001 to the persons and organizations on our EA mailing list. That letter explained the project proposal and asked the general public for comments. On April 4, 2003, a notice of availability for the Upper Spencer Creek EA was mailed to the KFRA EA mailing list. The notice requested review and comments on the Upper Spencer Creek EA. In addition, on April 4, 2003 a notice of availability for the Upper Spencer Creek EA was published in the Herald and News (Klamath Falls, Oregon Newspaper). All comments received were considered and analyzed in the preparation of the Upper Spencer Creek EA.

Additional comments, concerns and protests from previous Upper Spencer Creek Decision Records, phone conversations with concerned publics and internal discussions have been considered in reaching this decision.

NEPA/Hydrology

Comments: *The FONSI is erroneous because it didn't consider cumulative watershed impacts, soil impacts, critical habitat, riparian reserves and critical areas such as old-growth areas and it includes inadequate analysis of past, present and foreseeable cumulative effects to multiple resources (soils, hydrology, and wildlife) including private logging and treatments.*

Response: Scoping for this project identified resources to analyze, compare, or describe the environmental effects of the proposed actions for illuminating or predicting the potential effects. No critical issues were identified during scoping that were not subsequently analyzed in the EA. The Upper Spencer Creek EA tiers to the analysis of timber management actions performed for the KFRA RMP EIS. In addition, the Upper Spencer Creek EA analyzed specific actions related to the proposed Buck 23 Timber Sale. The EA addressed direct, indirect, and cumulative effects of actions associated with the proposed timber sale to soils, wildlife, vegetation, hydrology, and other resources.

Although other actions will occur on BLM land within the watershed, the effects of the Buck 23 Timber Sale, when added to other past, present and these reasonably foreseeable actions do not result in any significant environmental effects. This is true, especially in light of the fact that the applicable Best Management Practices in the ROD/RMP and the applicable Project Design Features provided in Appendix B of the EA will be implemented to protect resources and minimize potential environmental effects.

The analysis for the RMP EIS assumed that all adjacent forested private land would be reduced to early seral condition. As a result, the Upper Spencer Creek EA analysis of cumulative effects was based on that "reasonably foreseeable action" and the BLM has no basis for changing the assumption made for the RMP EIS. Therefore, the analysis in the EA which is tiered to the analysis for the RMP EIS is sufficient.

Fish and Wildlife

Comments: *The BLM needs to conduct Site-specific wildlife and survey and manage species reviews. Surveys need to be completed before the project is designed.*

Response: Surveys for special status species (including those formerly classified as Survey and Manage under the 2001 ROD) were completed for the Buck 23 timber sale area. Surveys were completed for the northern spotted owl, northern goshawk, terrestrial mollusks and the great gray owl. One new spotted owl territory was discovered within the timber sale area during the survey effort. No other special status species were located during these surveys.

Pages 14-22 and 29-30 of the EA discuss the current situation and effects of the proposed action to wildlife and aquatic species including special status species. Field reviews of each proposed treatment area and review of geographical information system data was performed for this analysis.

Comments: *The EA relies on illegal lynx mapping.*

Response: The BLM completed a lynx analysis in 1999 and determined no lynx habitat occurred on the Lakeview District, Klamath Falls Resource Area BLM. Surveys were also completed for forest carnivores, including the Canada lynx, within the timber sale area in 1998, 1999, and 2000. No Canada lynx were documented during those surveys.

Northern Spotted Owls

Comments: *According to the EA, there would be no negative effects to the owls due to logging.*

The project will adversely affect NSO habitat. The EA says that it is OK to destroy critical habitat.

Response: The project will adversely affect the northern spotted owl. Section 07 consultation was completed with the U.S. Fish and Wildlife Service (FWS) as required under the endangered species act. The BLM determined that the Buck Again Timber Sales (Buck 13, 15 and 23) “May Affect, Likely to Adversely Affect the Northern Spotted Owl and “May Affect, Likely to Adversely Affect designated critical habitat for the Northern Spotted Owl. The FWS determined through their Biological Opinion (1-10-08-F-070/0082) that this project would not jeopardize the existence of the northern spotted owl and that the timber sales would not adversely modify designated critical habitat. Subsequent to the issuance of the Biological Opinion the project area has been removed from classification as Designated Critical Habitat for the Northern Spotted Owl. In August 2008, a Final Rule was published that adjusted Designated Critical Habitat. The revised critical habitat reduced the overall amount of designated critical habitat from 6.9 million acres to 5.3 million acres. The reduction in Designated Critical Habitat included the Buck 23 Timber Sale area. This rule became final on September 12, 2008 (USDI FWS 2008).

In May, 2008 a Final Recovery Plan for the Northern Spotted Owl (USDI FWS 2008) was released by the Service. The Buck 23 Timber Sale is consistent with the Final Recovery Plan. The recovery plan is set upon similar principles of the Interagency Scientific Committee report (Thomas et al 1990) and the 1992 Final Draft Recovery Plan for the Northern Spotted Owl (USDI FWS 1992). These principles focused on managing large blocks of suitable habitat in designated conservation areas that could support self sustaining populations of 15-20 pairs of spotted owls and spacing these blocks and managing the areas between the blocks to permit movement of owls between blocks (USDI FWS 2007). The Buck 23 timber sale is classified as matrix lands (areas between the large reserve blocks) and will be maintained as a mix of spotted owl suitable and dispersal habitat providing connectivity for movement between reserve blocks.

Comments: *New information regarding spotted owls requires subsequent NEPA analysis of the new information.*

Response: In addition to the previously described changes in critical habitat designations and the recent Final Recovery Plan, the Klamath Falls Resource Area office has considered the new information that has recently been published regarding the northern spotted owl. The density management prescription that is proposed is designed to maintain adequate northern spotted owl habitat in addition to reducing hazardous fuel conditions that are contributing to loss of habitat due to wildfires. The Klamath Falls Resource Area Annual Program Summary and Monitoring Reports 1997-2007 document the results of almost ten years of implementing prescriptions similar to the proposed action. The effects on habitat meet those proposed in the RMP and the Northwest Forest Plan.

The Bureau of Land Management (BLM), Forest Service (FS), and US Fish and Wildlife Service (USFWS) coordinated review of four recently completed reports containing information on the Northern Spotted Owl (NSO). These agencies reviewed the following four reports (hereinafter collectively referred to as “the reports”):

- *Scientific Evaluation of the Status of the Northern Spotted Owl* (Sustainable Ecosystems Institute, Courtney et al. 2004);
- *Status and Trends in Demography of Northern Spotted Owls, 1985-2003* (Anthony et al. 2004);

- *Northern Spotted Owl Five Year Review: Summary and Evaluation* (USFWS, November 2004); and
- *Northwest Forest Plan – The First Ten Years (1994-2003): Status and trend of northern spotted owl populations and habitat, PNW Station Edit Draft* (Lint, Technical Coordinator, 2005).

In summary, although the agencies anticipated a decline of NSO populations under land and resource management plans during the past decade, the reports identified greater than expected NSO population declines in Washington and northern portions of Oregon, and more stationary populations in southern Oregon and northern California. The reports did not find a direct correlation between habitat conditions and changes in NSO populations, and they were inconclusive as to the cause of the declines. Lag effects from prior harvest of suitable habitat, competition with Barred Owls, and habitat loss due to wildfire were identified as current threats; West Nile Virus and Sudden Oak Death were identified as potential new threats. Complex interactions are likely among the various factors. The status of the NSO population, and increased risk to NSO populations due to uncertainties surrounding Barred Owls and other factors, were reported as not sufficient to reclassify the species to endangered at this time. The reports did not include recommendations regarding potential changes to the basic conservation strategy underlying the NWFP, however they did identify opportunities for further study.

Grazing

Comments: *The EA is deficient in its cumulative effects analysis, particularly as it pertains to grazing. Livestock grazing interferes with restoration efforts and conflicts with the Purpose and Needs as stated in the EA. Grazing alters vegetation, fire regimes, soil conditions and fuel profiles. Grazing will affect water quality and distribution of noxious weeds.*

Response: The current level of livestock grazing has no measurable effect on timber or soil resources in the project area. The Buck 23 Timber Sale lies within the Buck Lake grazing allotment. Cattle grazing is permitted within the Buck 23 Timber Sale area, though due to thick timber and limited herbaceous growth, most of the area receives little if any grazing. A complete description of the grazing activities in this allotment, including current use levels, historical use, allotment boundaries, etc. is available in the Spencer Creek Pilot Watershed Analysis (Part 1: Social Ecosystem – Livestock Grazing). Additional information is found in the KFRA RMP/FEIS, KFRA ROD/RMP and Rangeland Program Summary.

Current monitoring information and Rangeland Health Standards Assessments that have been completed for the Buck Lake Grazing Allotment shows that present levels of livestock grazing are appropriate to meet all five standards for Rangeland Health, including vegetative and soil resources. The KFRA ROD/RMP recognizes and provides for livestock grazing as a legitimate use of the public lands (page 62 and Appendix H).

Fire and Fuels

Comments: *Harvest activities increase rather than decrease fire hazard. Mechanical thinning increases fire hazard, removes large trees, opens stands to more sunlight, higher winds, higher temperatures. Logging large, fire resistant trees will increase, rather than decrease, fire hazard. Harvesting will actually increase wildfire severity and risks.*

Response: According to timber marking and pre-cruise data, the majority of the trees harvested will not be large, fire resistant trees. Instead the harvest is concentrated on smaller trees with 80% of the trees designated for harvest being 22 inches DBH or smaller. Harvesting of trees by itself can increase wildfire risks through accumulation of slash and changes in canopy cover. However, the

Buck 23 Timber Sale includes several fuels reduction treatments that when used together will minimize the generation of activity fuels and reduce fire severity and risks. The treatments include: all trees harvested will be “whole tree” yarded (the tops and attached limbs will be removed from the woods and yarded to landings), residual slash accumulations will be lopped and scattered to break up fuel concentrations and arrangements, and some slash concentrations will be piled for later chipping or burning. In addition, under future Decisions pertaining to the Upper Spencer Creek EA, prescribed underburning and/or slashbusting may be implemented to further reduce fuel loads. As a result of all actions proposed including harvesting, wildfire severity and risk is not expected to increase.

Soils

Comments: *Adverse impacts are likely to soils from tractor logging and mechanical slashbusting*

Response: Soil issues and concerns are addressed in detail in the Spencer Creek Watershed Analysis (pages 4-76 to 4-83) and in the KFRA RMP (pages 28 to 30 and Appendix D). Pages 17 - 19 of the Upper Spencer Creek EA address the soil impacts expected from the proposed action. The effects of both ground based logging and follow-up slash busting treatments are also discussed and analyzed. The KFRA annual soil monitoring results can be found in the Annual Program Summary and Monitoring Report and monitoring to date indicates that effects of similar timber harvests and slashbusting activities are within the RMP standards. Soil disturbance does not necessarily equate to soil compaction. The KFRA limits ground based operations to those periods when the soil moisture is twenty percent (20%) or less at six (6) inches in depth regardless of the time of year. Operations are normally limited to May 15 to November 1 depending upon the soil moisture criteria stated above (see EA, Appendix B section 3). In addition, logging over snow will be allowed, but not required, on the Buck 23 Timber Sale. Yarding trees during snow logging conditions, as described in the BMPs and PDFs, would further reduce soil impacts related to compaction and displacement. Therefore, the effects to soils have been sufficiently analyzed and potential effects are within those thresholds analyzed in the KFRA RMP/EIS.

CONCLUSION

A. Consideration of Public Comments

I have reviewed the public comments summarized in the Public Involvement section of this decision record. In addition, other comments have been received in protests to earlier Decision Records on the Upper Spencer Creek EA and in phone conversations with concerned publics. I have discussed them with the interdisciplinary team of specialists on my staff and I believe the EA and this decision record contain sufficient site specific information to implement the proposed action.

The comments received have been considered in reaching this decision but do not provide any substantially new information or new analysis, nor do they identify substantial new data gaps that would indicate additional analysis is needed. Finally, the comments do not identify any significant new data which would alter the effects described in the EA or in the RMP EIS. I am confident that the Upper Spencer Creek EA plus the supplemental information contained in this Decision Record represents a thorough analysis of impacts to affected habitats and species, in light of the more comprehensive analysis done in the Klamath Falls Resource Area RMP to which the Upper Spencer Creek EA is tiered.

B. Plan Consistency

Based on the information in the Upper Spencer Creek EA and in the record, I conclude that this action is consistent with the Klamath Falls Resource Area Resource Management Plan. The action will help to move this portion of the landscape towards the desired future conditions considered in development of the RMP. The actions will comply with the *Endangered Species Act*, the *Native American Religious Freedom Act*, cultural resource management laws and regulations, and Executive Order 12898 (Environmental Justice). This decision will not have any adverse effects to energy development, production, supply and/or distribution (per Executive Order 13212).

C. Finding of No Significant Impact

No significant effects were identified. No effects beyond those anticipated in the KFRA RMP EIS would occur. I concur with the accompanying Finding of No Significant Impact that was signed on 4/1/03 for the entire Upper Spencer Creek EA.

D. Summary

In consideration of public comments, the consistency with the RMP and the finding that there would not be any significant impacts, this decision would allow for activities related to the Buck 23 Timber Sale.

As outlined in 43 CFR § 5003 Administrative Remedies at § 5003.3 (a) and (b), protests may be made within 15 days of the publication date of a notice of sale. Publication of such notice in *The Klamath Falls Herald and News*, Klamath Falls, Oregon constitutes the decision date from which such protests may be filed. Protests shall be filed with the authorized officer and contain a written statement of reasons for protesting the decision.

43 CFR 5003.3 subsection (b) states: "Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision." This precludes the acceptance of electronic mail or facsimile protests. Only written and signed hard copies of protests that are delivered to the Klamath Falls Resource Area office will be accepted.

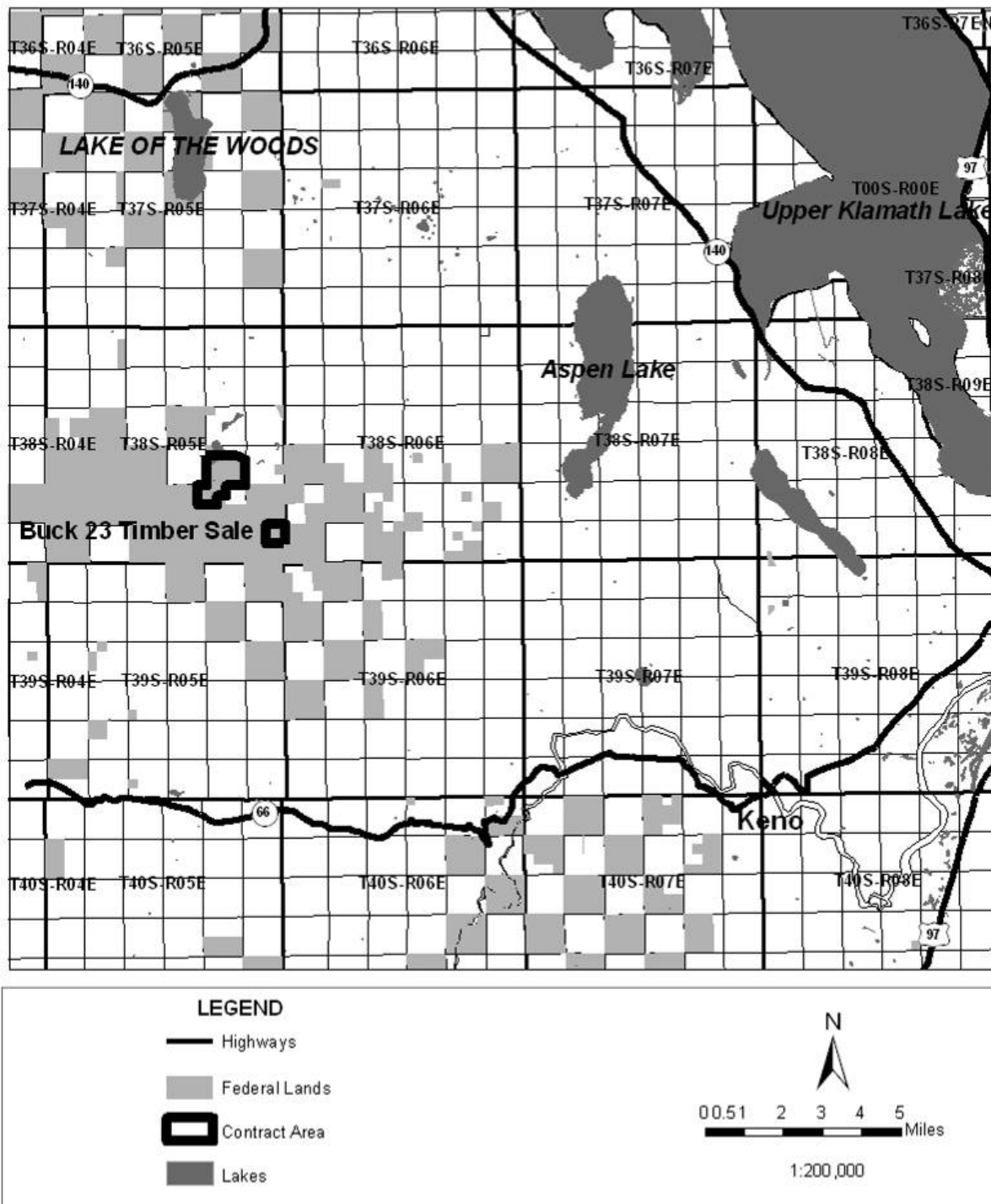
/s/ Donald J. Holmstrom
Donald J. Holmstrom, Manager
Klamath Falls Resource Area
Lakeview District, Bureau of Land Management

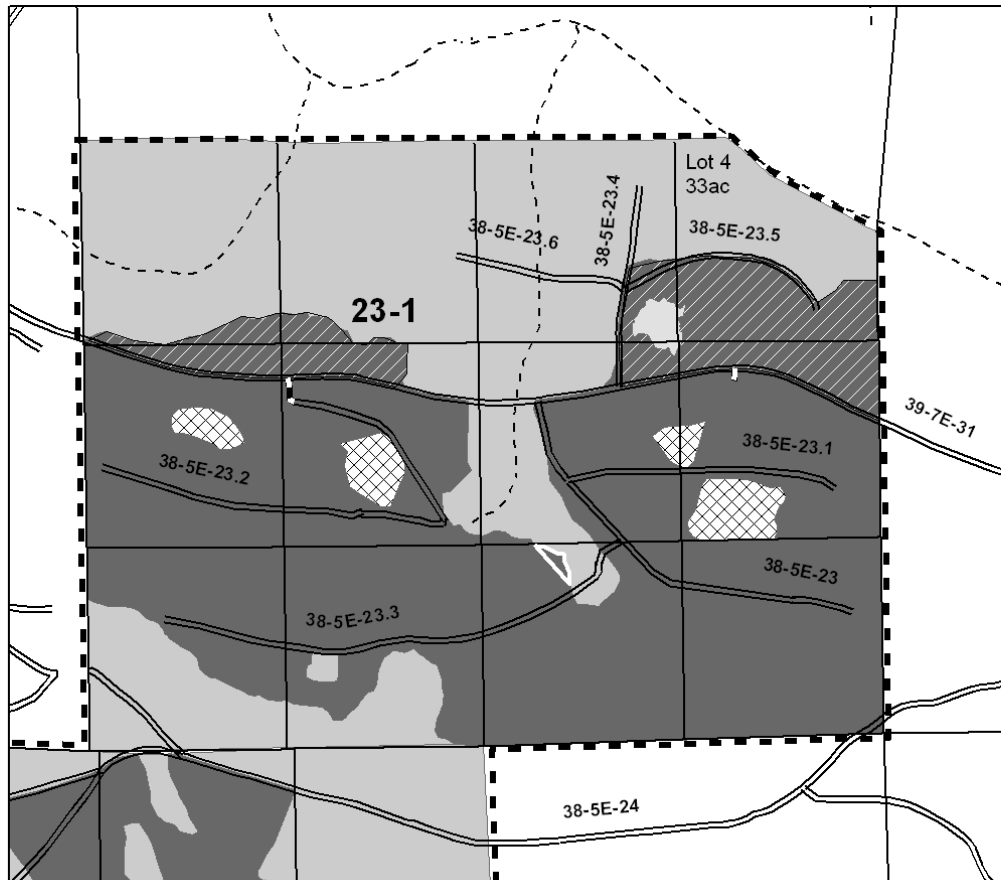
10/21/08
Date

Figure 1 – Buck 23 Timber Sale Maps

Timber Sale: Buck 23
 Willamette Meridian
 T.38S., R.5E., Sec. 23,26,27, and 36

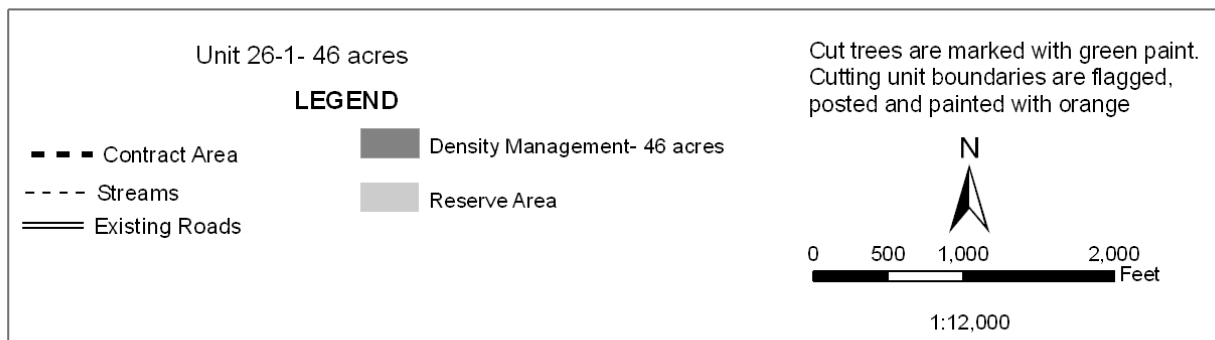
Timber Sale Contract Map
 Contract No.: OR014-TS9-1
 Exhibit A
 Page 1 of 5





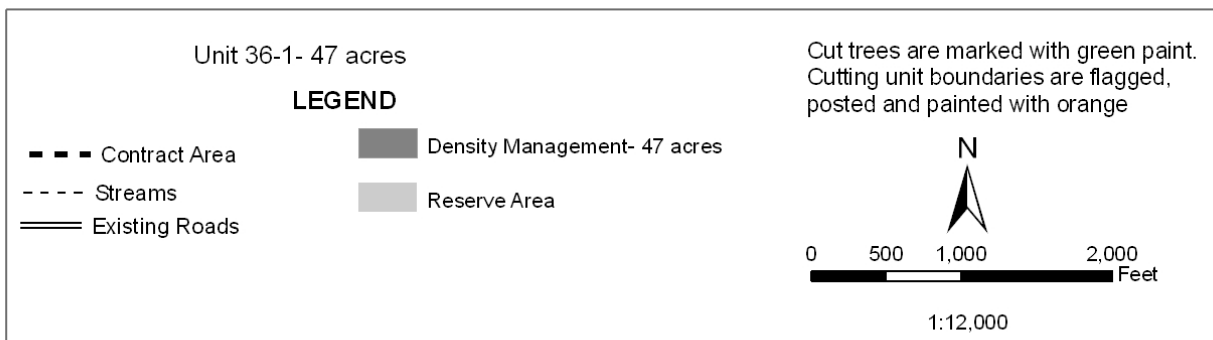
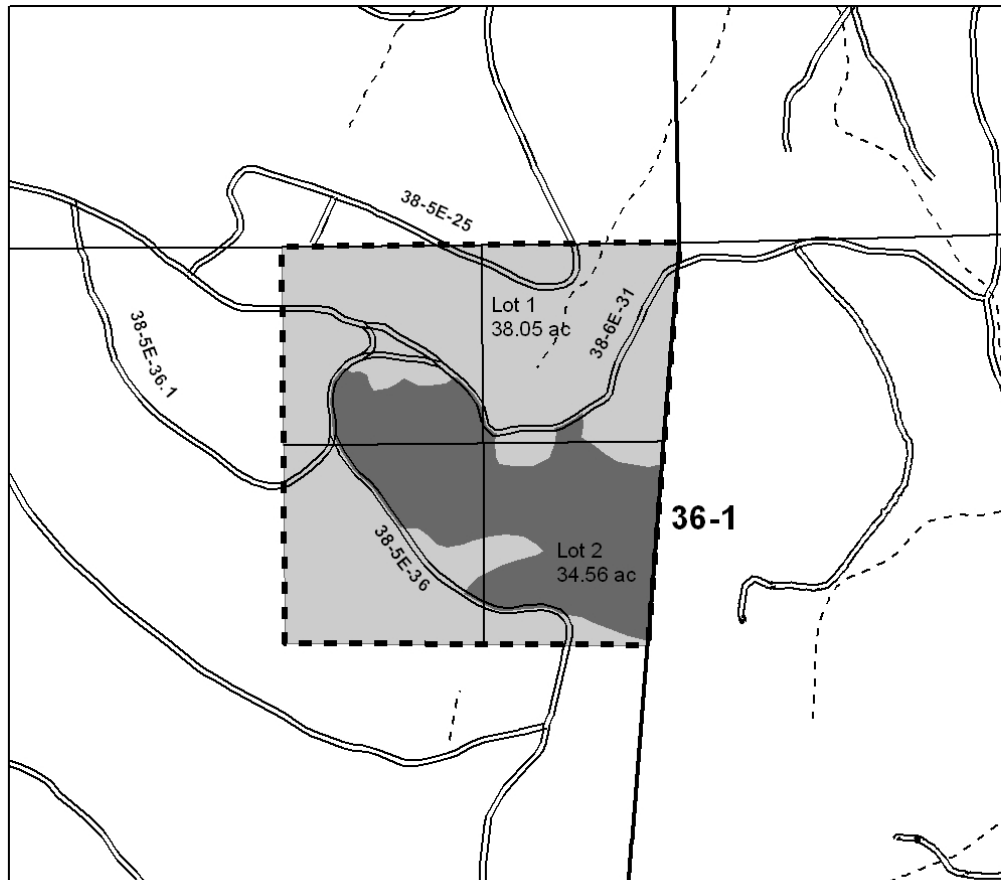
Timber Sale: Buck 23
 Unit 26-1
 T.38S., R.5E., Sec. 26, WM

Timber Sale Contract Map
 Contract No.: OR014-TS9-1
 Exhibit A
 Page 3 of 5



Timber Sale: Buck 23
Unit 36-1
T.38S., R.5E., Sec. 36, WM

Timber Sale Contract Map
Contract No.: OR014-TS9-1
Exhibit A
Page 4 of 5



Timber Sale Contract Map
Contract No.: OR014-TS9-01
Exhibit A – Contract Acres
Page 5 of 5

Total Cutting Area	379.00 acres
Total Reserve Area	<u>446.79 acres</u>
Total Contract Area	825.79 acres